

REMARKS

Applicants submit this Amendment in reply to the Office Action dated January 27, 2004. As an initial matter, Applicants gratefully acknowledge the Examiner's indication of the allowance of claims 13-16 and 20-22, and the allowability of the subject matter of claims 3-5, 9-11, and 19. Accordingly, Applicants have rewritten independent claim 1 to substantially include the subject matter of claim 3, rewritten independent claim 7 to substantially include the subject matter of claim 9, rewritten independent claim 17 to substantially include the subject matter of claim 19, and added new independent claim 23 substantially directed to the subject matter of claim 4. Applicants have also cancelled claims 3-4, 9-11, and 19, without prejudice or disclaimer, amended claims 5 and 12 to reflect changes in dependencies, and added new claims 24-25 that are dependent from new claim 23. Accordingly, Applicants assert that independent claims 1, 7, 17, and 23, and their respective dependent claims, are now in *prima facie* condition for allowance.

With respect to the statement of reasons for the indication of allowable subject matter for allowed claims 13-16 and 20-22, however, Applicants note that none of claims 13-16 and 20-22 recites all of the aspects set forth on page 8 of the Office Action. Specifically, claim 13, from which claims 14-16 depend, does not recite that "said plasma process is implemented while increasing/decreasing the quantity of oxygen added into the process gas," claim 20 does not recite that "the quantity of oxygen added into the process gas that contact fluorocarbon is increased in proportion to an increase in the aspect ratio of a contact hole formed at said silicon oxide film layer," and claim 21, from which claim 22 depends, does not recite either that "said

plasma process is implemented while increasing/decreasing the quantity of oxygen added into the process gas,” or that “the quantity of oxygen added into the process gas that contact fluorocarbon is increased in proportion to an increase in the aspect ratio of a contact hole formed at said silicon oxide film layer.” Instead, claim 21 recites that “said plasma process is implemented while increasing the quantity of oxygen added into the process gas.” Indeed, Applicants assert that each of the independent claims 13, 20, and 21 is separately patentable because the cited reference does not disclose each aspect of the claimed invention in combination with the other aspects of the claimed invention.

In the Office Action, the Examiner rejected claims 1, 2, 6-8, and 12 under 35 U.S.C. §102(b) as being anticipated by Babu et al. (U.S. Patent No. 5,053,104) (“Babu”), and rejected claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Babu. Applicants have amended independent claims 1, 7, and 17 to include subject matter that the Examiner indicated as being allowable. By virtue of their dependency from one of the as-amended independent claims 1, 7, and 17, dependent claims 2, 6, 8, 12, and 18 are also allowable. Accordingly, Applicants respectfully request withdrawal of these rejections.

Applicants further submit that claims 2, 5, 6, 8, 12, 18, 20-22, 24, and 25 depend from one of independent claims 1, 7, 17, and 23, and are therefore allowable for at least the same reasons that each of those respective independent claims is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited reference, and therefore at least some also are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Michael W. Kim
Reg. No. 51,880